

AMENDED IN SENATE AUGUST 21, 2002

AMENDED IN SENATE AUGUST 13, 2002

AMENDED IN ASSEMBLY APRIL 29, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

## ASSEMBLY BILL

**No. 1975**

**Introduced by Assembly Member Koretz**

February 14, 2002

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An act to amend Sections ~~87768.5~~ 22711, 87768.5, and 88210 of the Education Code, and to amend Section 20906 of the Government Code, relating to public education employees.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1975, as amended, Koretz. Community college employees: employees of public employee organizations.

Existing law requires the governing boards of school and community college districts to grant to their employees, upon request, leaves of absence without loss of compensation for the purposes of allowing those employees to serve as elected officers of public employee organizations with which the local organizations are affiliated.

This bill would extend this requirement to employees of community college districts who serve as employees of ~~the~~ public employee organizations. The bill would limit the total of annual time granted based on the employees' employment by public employee organizations for each campus to the annual time base of one full-time equivalent employee. *The bill would require the employee to be granted service credit for the purposes of retirement for this service with a public employee organization if specified conditions are met.*

The bill would allow the governing board of a community college district to deny a leave if the board finds that granting a particular leave to an employee based on the employee's employment by an employee organization would result in an employee shortage or hardship to the district.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. *Section 22711 of the Education Code is*  
2 *amended to read:*

3 22711. (a) A member under this part shall be granted service  
4 credit for time during which the member serves as an elected  
5 officer of an employee organization while on a compensated leave  
6 of absence pursuant to Section 44987 ~~or 87768.5~~, if all of the  
7 following conditions are met:

8 (1) The member was employed and performed creditable  
9 service subject to coverage under this Defined Benefit Program in  
10 the month prior to commencement of the leave of absence.

11 (2) The member makes contributions to the Teachers'  
12 Retirement Fund in the amount that the member would have  
13 contributed had the member performed creditable service on a  
14 full-time basis during the period the member served as an elected  
15 officer of the employee organization.

16 (3) The member's employer contributes to the Teachers'  
17 Retirement Fund at a rate adopted by the board as a plan  
18 amendment with respect to the Defined Benefit Program an  
19 amount based upon the creditable compensation that would have  
20 been paid to the member had the member performed creditable  
21 service on a full-time basis during the period the member served  
22 as an elected officer of the employee organization.

23 (b) *A member under this part shall be granted service credit for*  
24 *time during which the member serves as an employee or elected*  
25 *officer of an employee organization while on a compensated leave*  
26 *of absence pursuant to Section 87768.5, if all of the following*  
27 *conditions are met:*

28 (1) *The member was employed and performed creditable*  
29 *service subject to coverage under the Defined Benefit Program in*  
30 *the month prior to the commencement of the leave of absence.*

1 (2) *The member makes contributions to the Teachers'*  
2 *Retirement Fund in the amount that the member would have*  
3 *contributed had the member performed creditable service on a*  
4 *full-time basis during the period the member served as an*  
5 *employee or elected officer of the employee organization.*

6 (3) *The member's employer contributes to the Teachers'*  
7 *Retirement Fund at a rate adopted by the board as a plan*  
8 *amendment with respect to the Defined Benefit Program an*  
9 *amount based upon the creditable compensation that would have*  
10 *been paid to the member had the member performed creditable*  
11 *service on a full-time basis during the period the member served*  
12 *as an employee or elected officer of the employer organization.*

13 (c) *The maximum period of time during which a member may*  
14 *serve as an employee or elected officer of an employee*  
15 *organization and receive service credit pursuant to this section*  
16 *shall may not exceed 12 calendar years.*

17 SEC. 2. Section 87768.5 of the Education Code is amended to  
18 read:

19 87768.5. (a) *The governing board of a community college*  
20 *district shall grant to any employee, upon request, a leave of*  
21 *absence without loss of compensation for the purpose of enabling*  
22 *the employee to serve as an employee or elected officer of any*  
23 *local community college district public employee organization, or*  
24 *of any statewide or national public employee organization with*  
25 *which the local organization is affiliated.*

26 (b) *The leave shall include, but shall not be limited to, absence*  
27 *for purposes of attendance by the employee at periodic, stated,*  
28 *special, or regular meetings of the body of the organization on*  
29 *which the employee serves as an employee or officer.*  
30 *Compensation during the leave shall include retirement fund*  
31 *contributions required of the community college district as*  
32 *employer. Required retirement contributions shall include the*  
33 *amount necessary to pay any unfunded liability cost for the*  
34 *retirement plan. The employee shall earn full service credit during*  
35 *the leave of absence, and shall pay member contributions as*  
36 *prescribed by Section 22901. The maximum amount of the service*  
37 *credit earned shall not exceed 12 calendar years for an employee*  
38 *seeking a leave of absence to serve as an elected officer under this*  
39 *subdivision, or eight years for an employee seeking a leave of*  
40 *absence to serve as an employee under this subdivision. Any*

1 employee who serves as a full-time employee or officer of a public  
2 employee organization shall not be eligible for disability benefits  
3 under the State Teachers' Retirement System while on the leave of  
4 absence.

5 (c) Following the community college district's payment of the  
6 employee for the leave of absence, the community college district  
7 shall be reimbursed by the employee organization of which the  
8 employee is an employee or elected officer for all compensation  
9 paid on account of the leave. Reimbursement by the employee  
10 organization shall be made within 10 days after its receipt of the  
11 community college district's certification of payment of  
12 compensation to the employee.

13 (d) The leave of absence without loss of compensation  
14 provided for by this section is in addition to the released time  
15 without loss of compensation granted to representatives of an  
16 exclusive representative by subdivision (c) of Section 3543.1 of  
17 the Government Code.

18 (e) The total of annual leave time granted under this section  
19 based on an employee's or employees' employment by public  
20 employee organizations for each campus may not exceed the  
21 annual time base of one full-time equivalent employee.

22 (f) If the governing board of a community college district  
23 *reasonably* finds that the granting of a particular leave to an  
24 employee based on the employee's employment by a public  
25 employee organization would result in an employee shortage or  
26 hardship to the district, the governing board may deny that leave.

27 ~~SEC. 2.~~

28 *SEC. 3.* Section 88210 of the Education Code is amended to  
29 read:

30 88210. (a) (1) The governing board of a community college  
31 district shall grant to any classified employee, upon request, a  
32 leave of absence without loss of compensation for the purpose of  
33 enabling the employee to serve as an employee or elected officer  
34 of any local community college district public employee  
35 organization, or of any statewide or national public employee  
36 organization with which the local organization is affiliated.

37 (2) The leave shall include, but is not limited to, absence for  
38 purposes of attendance by the employee at periodic, stated,  
39 special, or regular meetings of the body of the organization on  
40 which the employee serves as an employee or officer.

1 Compensation during the leave shall include retirement fund  
2 contributions required of the community college district  
3 employer. The employee shall earn full service credit during the  
4 leave of absence, and shall pay member contributions as  
5 prescribed by subdivision (a) of Section 20677 of the Government  
6 Code. The maximum amount of the service credit earned shall not  
7 exceed 12 years *for a classified employee seeking a leave of*  
8 *absence to serve as an elected officer under this subdivision, or*  
9 *eight years for a classified employee seeking a leave of absence to*  
10 *serve as an employee under this subdivision.*

11 (3) Following the community college district's payment of the  
12 employee for the leave of absence, the community college district  
13 shall be reimbursed by the employee organization of which the  
14 employee is an employee or elected officer for all compensation  
15 paid on account of the leave. Reimbursement by the employee  
16 organization shall be made within 10 days after its receipt of the  
17 community college district's certification of payment of  
18 compensation to the employee.

19 (4) The leave of absence without loss of compensation  
20 provided for by this section is in addition to the released time  
21 without loss of compensation granted to representatives of an  
22 exclusive representative by subdivision (c) of Section 3543.1 of  
23 the Government Code.

24 (5) The total of annual leave time granted under this section  
25 based on an employee's or employees' employment by public  
26 employee organizations for each campus may not exceed the  
27 annual time base of one full-time equivalent employee.

28 (6) If the governing board of a community college district  
29 *reasonably* finds that the granting of a particular leave to a  
30 classified employee based on the employee's employment by a  
31 public employee organization would result in a classified  
32 employee shortage or hardship to the district, the governing board  
33 may deny that leave.

34 (b) (1) A classified employee who, after August 31, 1987, was  
35 absent on account of elected-officer service, shall receive full  
36 service credit in the Public Employees' Retirement System if, not  
37 later than April 30, 1988, both of the following occur:

38 (A) The employee makes a written request to the employer for  
39 a leave of absence for the period of the elected-officer service.

1 (B) The employee organization of which the employee is an  
2 elected officer pays to the employee's community college district  
3 an amount equal to the required Public Employees' Retirement  
4 System member and employer retirement contributions, as  
5 prescribed by this section.

6 (2) The community college district, following the written  
7 request and payment, shall transmit the amount received to the  
8 Public Employees' Retirement System, informing it of the period  
9 of the employee's leave of absence. The Public Employees'  
10 Retirement System shall credit the employee with all service credit  
11 earned for the period of the elected-officer leave of absence.

12 (3) If the employee has been compensated by the community  
13 college district for the period of the service, then, as a condition to  
14 the employee's entitlement to service credit for the period, the  
15 community college district shall be reimbursed by the employee  
16 organization for the amount of the compensation.

17 (4) This subdivision applies retroactively to all service as an  
18 elected officer in a public employee organization occurring after  
19 August 31, 1987.

20 *SEC. 4. Section 20906 of the Government Code is amended to*  
21 *read:*

22 20906. (a) Notwithstanding any other provision of this part,  
23 a school member who is on an approved leave of absence to serve  
24 as an elected officer of an employee organization pursuant to  
25 Section 45210 or 88210 of the Education Code, shall receive the  
26 service credit he or she would have received if he or she were not  
27 on leave, and shall have benefits he or she is entitled to under this  
28 part, based upon the salary that he or she would receive if he or she  
29 were not on leave. Both the member and his or her employer shall  
30 contribute to the retirement fund the amount that would have been  
31 contributed had the member not been on leave.

32 (b) *A school member who is on an approved leave of absence*  
33 *to serve as an employee of an employee organization pursuant to*  
34 *Section 88210 of the Education Code, shall receive the service*  
35 *credit he or she would have received if he or she were not on leave,*  
36 *and shall have benefits he or she is entitled to under this part, based*  
37 *upon the salary that he or she would receive if he or she were not*  
38 *on leave. Both the member and his or her employer shall contribute*  
39 *to the retirement fund the amount that would have been contributed*  
40 *had the member not been on leave.*

1 (c) The school employer shall verify the eligibility of the  
2 applicant for the ~~elected officer's~~ *school member's* leave of  
3 absence. Service credited pursuant to this section ~~shall~~ *may not*  
4 exceed 12 years.

5 ~~(e)~~

6 (d) The employer shall maintain the necessary records to  
7 separately identify each employee receiving service credit  
8 pursuant to this section.

